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| 10/033,127 | 10/22/2001 | Wolfgang Schonberger | A-2986 | 7101 |
| 24131 | 7590 | 08/21/2006 | EXAMINER | |
| LERNER GREENBERG STEMER LLP | | | HINZE, LEO T | |
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| HOLLYWOOD, FL 33022-2480 | | | PAPER NUMBER | |

2854

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,127

Applicant(s)

SCHONBERGER, WOLFGANG

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5,7,10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-5, 7, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Regarding claims 10 and 12, it is not clear how the roller upon which the metering element acts can be a roller that interacts with both an ink form roller and a printing form roller. To expedite prosecution, the examiner will interpret the claims as reading (starting in line 4) “a roller, said roller being one of an ink form roller and a roller operatively engaging with an ink form roller, said ink form roller rolling on said printing form cylinder during a printing operation”.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, 7, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, US 2,986,088 (hereafter Chase) in view of Dini, US 3,964,386 (hereafter Dini) and Konrad et al., US 2002/0014171 A1 (hereafter Konrad).

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b. Regarding claim 10 and 12:

Chase teaches a printing press, comprising a printing form cylinder (11, Fig. 1), a zone-less inking unit (“ink film is fed at a constant thickness, column by column,” col. 2, ll. 31-32) including an ink-metering device having a single metering element (25, Fig. 1) operatively engaging with a roller (23, Fig. 1), said roller being a roller operatively engaging with an ink form roller (24, Fig. 1), said roller rolling on said ink form roller during a printing operation, said ink-metering device producing an ink pattern being even over a print width of said roller (“ink film is fed at a constant thickness, column by column,” col. 2, ll. 31-32), a plurality of glazing rollers (41-45, Fig. 1) disposed downline from said single metering element along a peripheral line of said roller, each of said glazing rollers being in rolling contact exclusively with said roller.

Chase does not teach an oscillation device assigned to said single metering element for mounting said metering element so that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz between an engaging position and a spaced-away position of said single metering element in which said single metering element is lifted to an outlet height of at least 20 micrometers and less than 40 micrometers from said roller; and said glazing rollers having one of a rubber-elastic peripheral surface and an elastomeric peripheral surface.

Dini teaches a method and apparatus for removing surplus ink on printing cylinders, including an oscillation device assigned to said single metering element (4, 5, 6, Fig. 1) for mounting said metering element so that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz (“5 to 200 kHz,” col. 2, l. 46) between an engaging position and a spaced-away position of said single metering element in which said single metering element is lifted to an outlet height of at least 20 micrometers and less

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than 40 micrometers from said roller (“5 to 30 μ ,” col. 2, l. 53; roller 12, Fig. 4). Dini teaches that such an arrangement is advantageous for controlling the thickness of a liquid layer applied to a surface (col. 4, ll. 62-65) and for eliminating inconsistency of tone reproduction of printings (col. 1, ll. 45-46).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Chase to include with the metering device an oscillation device that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz between an engaging position and a spaced-away position of said single metering element in which said single metering element is lifted to an outlet height of at least 20 micrometers and less than 40 micrometers from said roller, because Dini teaches that such an oscillatable metering element is advantageous for controlling the thickness of a liquid layer applied to a surface and for eliminating inconsistency of tone reproduction of printings.

Konrad teaches a short inking unit (Fig. 5) with glazing rollers (5, 7, Fig. 5) designed to smooth the ink, with a silicone rubber covering that prevents the ink from adhering to the glazing rolls and consequently from splitting (§ 50).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Chase by using a silicone rubber covering on the glazing rolls, because Konrad teaches that this would prevent the ink from splitting onto the glazing rollers.

c. Regarding claim 2, the combination of Konrad and Dini teaches all that is claimed as discussed in the rejection of claim 10 above. Dini, as properly combined with Konrad above, also teaches said roller has a radial direction (12, Fig. 4); and said oscillation device has a guide guiding said single metering element in an oscillation direction (A, Fig. 4) deviation in a range from 0° to 20° in said radial direction of said roller (α , Fig. 4).

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- d. Regarding claim 3, the combination of Konrad and Dini teaches all that is claimed as discussed in the rejection of claim 10 above. Dini, as properly combined with Konrad above, also teaches wherein said oscillation device has an electromagnetic oscillation drive ("electromagnetic," col. 3, l. 19) drivingly connected to said single metering element.
 - e. Regarding claim 5, the combination of Konrad and Dini teaches all that is claimed as discussed in the rejection of claim 10 above. Dini, as properly combined with Konrad above, also teaches wherein said single metering element is a metering blade having a working region terminating in a cutting edge, said working region of said metering blade having a cross-section thickness which remains constant ("may in cross-section be square," col. 3, l. 49).
 - f. Regarding claim 7, the combination of Konrad and Dini teaches all that is claimed as discussed in the rejection of claim 10 above. Konrad also teaches an ink feeding device (1, Fig. 1) disposed upline of said metering element alongside a peripheral line of said roller.
5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase in view of Dini and Konrad as applied to claim 10 above, and further in view of Jeschke et al., US 4,089,264 (hereafter Jeschke).

The combination of Chase, Dini and Konrad teaches all that is claimed as discussed in the rejection of claim 10 above.

The combination of Chase, Dini and Konrad does not teach wherein said oscillation device has a spring for setting said single metering element against said roller.

Jeschke teaches an electromagnetically actuated oscillating element (6, Fig. 1) that is set against a roller (2, Fig. 1) by a spring (15, Fig. 1).

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Chase to include a spring for setting said single metering element against said roller as taught by Jeschke, because a person having ordinary skill in the art would recognize that a spring would cause the default position of the metering element to be one of contact with the roller, which would advantageously prevent wasting ink in the event that the machine was operating but the oscillation mechanism had otherwise failed.

Response to Arguments

6. Applicant's arguments filed 14 June 2006 with respect to claims 2-5, 7, 10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
14 August 2006


Daniel J. Colilla
Primary Examiner
Art Unit 2854